

Tripura

- 75. Kamalpur
- 76. Kailashahar
- 77. Khowai
- 78. Agartala

Uttar Pradesh

- 22. Kanpur (Chakori)
- 23. Agra
- 24. Allahabad
- 25. Gorakhpur
- 79. Varanasi
- 80. Lucknow
- 81. Dehra Dun
- 82. Pant Nagar
- 83. Jhansi
- 84. Kanpur Civil
- 85. Lalitpur

West Bengal

- 26. Bagdogra
- 86. Netaji Subhas Chandra Bose International Airport
- 87. Cooch Behar
- 88. Balurghat
- 89. Behala
- 90. Malda

Pondicherry (U.T.)

- 91. Pondicherry

Andaman & Nicobar (U.T.)

- 27. Port Blair

Chandigarh (U.T.)

- 28. Chandigarh

Lakshdweep (U.T.)

- 92. Agatti

Appeal against Industrial Tribunal Award

3386. SHRI SOUMYA RANJAN: Will the Minister of FOOD be pleased to state:

(a) the number of cases in which the Food Corporation of India has appealed against the award given by the Industrial Tribunal during the last three years;

(b) the details of such cases where the guidelines given by the Government have been violated;

(c) whether any appeal has been made against the awards where guidelines have been violated;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

THE MINISTER OF FOOD AND MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI DEVENDRA PRASAD YADAV): (a) In twenty cases during the last three years the Food Corporation of India has appealed against the awards given by Industrial Tribunals.

(b) to (d). Required details are given in the *Statement* enclosed.

(e) Does not arise.

STATEMENT

Sl. No.	Details of cases in which the Food Corporation of India has appealed against the awards of the Industrial Tribunals during the last three years
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1. ID No. 72/94 was raised by Sh. B. Namdakumar ex-casual labour, Madras. The Award was examined by SRM, Madras in consultation with JM (Legal) of Zonal Office (South) with the concurrence of our Counsel who opined that the Industrial Tribunal has acted without evidence regarding the total number of days worked by the Petitioner. The competent authority decided to file appeal against the award to obtain stay from High Court on operation of Award. WP filed in High Court vide No. 2189/96.
2. ID No. 51/86 was raised by Sh. K. Gowriah and others of Nalgonda District. The Hamali workers were working under the contractor for handling foodgrains in depot and not under direct employment of FCI. Hence the Award suggesting to reinstate them in FCI has been challenged in consultation with the Advocate as contract labour are not eligible to seek employment in FCI. The matter is pending in the Court. (WP No. 2228/93 in A.P. High Court).
3. ID No. 58/92 was raised by Sh. S.A. Ismail, Kurnool. The Industrial Tribunal has errad in passing the award without considering the fact that the worker has not put in 240 days continuous service in a calander year. The SRM, Hyderabad has decided to file appeal against the Tribunal Award. The appeal filed vide WP No. 18879/95 is pending in AP High Court.
4. ID No. 59/92 was raised by Sh. G. Purushotham, Kurnool. The case is of similar nature as above at 3 therefore appeal filed vide WP No. 18883/95 in AP High Court.

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5.	ID No. 71/92 was raised by Sh. V. Satyanarayana, Kurnool. The case is similar nature as above at 3 therefore appeal filed vide WP No. 18919/95 in AP High Court.		1980 & 1984 respectively in respect of Chhotey Lal. The matter relating to the filling of Writ Petition against the Award is under examination. SRM, U.P. has ordered to implement the Award subject to final decision of the High Court.
6.	ID No. 18/89 was raised by S/Sh. Surinder Kumar, Lekh Raj, Chaman Lal, Baldev Vikram Bhatt, Dev Raj and Sewa Ram of J&K Region. The award of CGIT Chandigarh was given in favour workmen. Review Petition No. 1191/95 modified and orders in SLP No. 7489/94 passed on 9th May, 95 regarding regularisation of casual workers. The award have been implemented after the dismissal of Review Petition filed by the FCI in Supreme Court on 9.8.95.	13.	I.D. No. 137/92 was raised by Sh. Laxman Dass Narula for not promoting him as AM (Depot) w.e.f. 14.11.86. The Writ Petition filed by the Management is pending in High Court.
7.	ID No. 79/88 was raised by Sh. Patwari, Somi, Baldev Raj, Bhoj Raj, Pawan Singh, Ashok Kumar, Netra Prakash and Subhash Kumar at J&K Region. The award of CGIT Chandigarh was given in favour of the workmen. The Award has been implemented after the dismissal of Review Petition filed by the FCI in Supreme Court on 9.8.95.	14.	I.D. No. 22/90 was raised by Sh. Mohd. Kasim over termination of his service w.e.f. 19.7.82. The Award passed by the Industrial Tribunal has been challenged in High Court, Orissa in consultation with Panel Advocate.
8.	ID No. 34/91 was raised by Sh. H.N. Sahi, T.A. II, FSD, Gorakhpur on reversion to the post of TA. II. The Writ Petition was filed by the FCI against the Award. The Award implemented by Regional Office, Lucknow subject to the final clearance of the Writ Petition by the Court.	15.	I.D. No. 10/90 was raised by Sh. R.K. Mohanty on refusing employment to him. The Award dated 29.4.95 passed by Industrial Tribunal, Bhubaneswar has been challenged as per opinion of Panel Advocate and Legal Cell of ZO(D), Calcutta.
9.	I.D. No. 68/91 was raised by Sh. Mohd. Miyan, TA. II, Bisauli in supersession of his juniors and consequential benefits in violation of principles of natural justice. The Award has been implemented by the Regional Office, subject to final decision of the Writ Petition, filed by FCI.	16.	I.D. No. 39/91 was raised by Sh. Golak Bihari Barik over his demand of Regularisation of his service. Award given by the Industrial Tribunal, Bhubaneswar has been challenged in consultation with RO/ZO(E), Calcutta.
10.	ID. No. 67/91 was raised by Sh. K.K. Awasthi, AG.I(D), FSD, Barabanki for promotion and for payment of balance wages for the suspension period in violation of principle of natural justice. Award implemented by RO, Lucknow, subject to final decision of the Court in Writ Petition filed by the Management.	17.	I.D. No. 32/92 was raised by Sh. Ram Ishwar Mochi, Ex-Casual Labour of FSD, Chandouti over alleged illegal retrenchment and non-regularisation of his service. Award has been given in favour of the Workman. The FCI Management has challenged the award after obtaining Legal opinion to avoid huge payment of back wages to workman.
11.	I.D. No. 129/90 was raised by Sh. Chhotey Lal, AG. III for imposing penalty on him and in violation of natural justice and denying him promotion and additional increment on acquiring qualification while in service. Hon'ble Court passed interim order in Writ Petition No. 7023/93 to stay operation of the Award.	18.	I.D. No. 80/91 was raised by Smt. Ranjna Chakraborty casual typist Distt. Office, Ranchi over her termination from service. The award was given in the favour of the worker. The award has been challenged by the FCI to avoid huge payment of back wages to the concerned worker.
12.	ID. No. 116/90 was raised on imposing penalty of stoppage of one increment for the year of 1987 with commulative effect and also not giving due promotion from TA. III to TA. II and TA.II to TA.I from the year	19.	An I.D. was raised by Smt. L.R. Poojari a casual worker, Distt. Officer, Pune in 1975 for regularisation of her services. She was disallowed to attend duty w.e.f. December, 84. The Management is also to pay the wages from the period 6.12.84 till 21.3.85. The CGIT considered the demand of the said casual labour just and proper and directed the Corporation to regularise her services w.e.f. 20.9.75 and pay her wages on the basis of regular employee. The above award was challenged on the ground that the dispute related only on termination of her wages but not for taking her on regular basis from her initial engagement

Sl. No. Details of cases in which the Food Corporation of India has appealed against the awards of the Industrial Tribunals during the last three years

and the award is therefore patently wrong. The FCI Management took this stand because she was not regularly appointed initially and the recruitment on regular basis is also banned by the Govt. of India and as such decision was to be taken only with due permission of the Govt. of India for regularising the service. The High Court of Bombay also turned down the plea of the Corporation and thereafter Smt. L.R. Poojari has been appointed on regular basis with payment of back wages and there is no grievance left in this case.

20. There were about 1590 workers who were rendered surplus at Kandla Port consequent upon cessation of import of foodgrains. Out of 1590 workers, 1541 workers had sought Voluntary Retirement under Special Voluntary Retirement Scheme and thereby there leaving 49 Workers at Kandla Port who did not opt for the retirement under the Scheme. These workers were transferred to Bombay and Manmad. These workers were not allowed to work at Bombay and Manmad by the Transport and Dock Workers Union and they struck the work without any notice to the Corporation. The Corporation filed a case before CGIT under Unfair Labour Practice. The CGIT did not accept the contention of the Corporation relating to Unfair Labour Practice adopted by Transport & Dock Workers Union in its award. The Award was, however, challenged by the Corporation in the High Court of Bombay and the High Court of Bombay after hearing had remitted the case to CGIT directing them to review its decision. The CGIT heard the case and also given its Award which has been sent to the Ministry of Labour, Govt. of India for acceptance and pronouncement which is awaited.
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Deal Airbus-320

3387. SHRI PRAMOD MAHAJAN: Will the Minister of CIVIL AVIATION be pleased to state:

(a) whether the investigations started by the Central Bureau of Investigations (CBI) on March 29, 1990 into the Airbus 320 deal has been completed;

(b) if not, the reasons for the delay and the time by which the report is likely to be submitted; and

(c) the total expenditure incurred, so far by CBI and other Departments in the investigation of the case in India and abroad?

THE MINISTER OF CIVIL AVIATION AND MINISTER OF INFORMATION AND BROADCASTING (SHRI C.M. IBRAHIM): (a) No, Sir.

(b) the delay in completion of the investigation is due to the fact that investigations have to be carried out in various foreign countries such as USA, UK, France, Switzerland, Channel Islands Nigeria, etc. through Letters Rogatory. The investigation abroad is time consuming due to the complexity of legal procedures involved. In view of this, it is not possible at this stage to fix a firm date for completion of the investigation.

(c) An expenditure of Rs. 7,09,085/- has been incurred on this investigation by the C.B.I. so far.

Telephone to GM/DGM

3388. SHRI K. D. SULTANPURI: Will the Minister of COMMUNICATIONS be pleased to state:

(a) whether a number of unlisted Telephone connections with STD and ISD facilities have been provided to General Managers, D.G.Ms and other Officers of MTNL, Delhi Telephone Circle both at their offices and residences;

(b) if so, the reasons therefor;

(c) whether they really need such facility at their residences also for the discharge of duties;

(d) if so, whether any record is maintained of STD/ISD calls made by them alongwith purpose thereof;

(e) if so, the details thereof; and

(f) if not, the steps being taken to ensure that these telephones are not misused?

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA): (a) Yes, Sir. D.G.Ms and G.Ms are provided with unlisted Telephone connections in office as well as residence.

D.G.Ms are provided with STD facility in office as well as residence. G.Ms. are provided with STD & ISD facility, both in office and residence.

(b) The field officers receive large number of calls from public about complaints like prolonged faults on their telephones, delay in shifting of telephones, provision of new connection and other grievances. In order to keep the number free for incoming calls, an unlisted telephone connection is provided to field officers for making outgoing calls in the interest of service as detailed at (c) below.

(c) Yes, Sir. Many of our electronic telephone exchanges are imported from foreign countries. Senior officers are required to contact their counterparts in India and at times abroad to discuss technical problems relating to software and fault repair etc.

(d) No, Sir.